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March 17, 1995

VIA HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW, Room #222
Washington, DC 20554

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MAR 17 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: WT Docket No. 94-148; Reorganization and Revision
of Parts 1, 2, 21 and 94 of the Rules to Establish a
New Part 101 Governing Terrestrial Microwave Fixed
Radio Services

Dear Mr. Caton:

On behalf of Digital Microwave Corporation, we are filing an original and fourteen copies of its Reply Comments in the above-referenced proceeding.

Please communicate with us if additional information is needed.

Very truly yours,

FLETCHER, HEALD & HILDRETH



George Petrutsas
Counsel for
Digital Microwave Corporation

GP:cej
Enclosures

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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In the Matter of)

Reorganization and Revision of)
Parts 1, 2, 21, and 94 of the Rules to)
Establish a New Part 101 Governing)
Terrestrial Microwave Fixed Radio)
Services)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

WT Docket No. 94-148

REPLY COMMENTS OF
DIGITAL MICROWAVE CORPORATION

The Digital Microwave Corporation ("DMC") submits these Reply Comments pursuant to the Commission's *Notice of Proposed Rule Making* ("Notice") in the above-captioned proceeding.

I. General

DMC is a major supplier of microwave radio equipment in both the domestic and in the global markets. As such, DMC is vitally interested on its own behalf and on behalf of its customers in the Commission's regulations governing licensing and use of microwave terrestrial communication systems, both commercial and private. DMC in its initial comments in this proceeding expressed its strong support of the Commission's basic proposal to consolidate Part 94 and most of Part 21 into a new Part 101 and recommended several changes in the proposed rules which in DMC's view would improve further the licensing and the regulation of point-to-point terrestrial microwave systems. Virtually all those who filed comments also supported the Commission's basic proposals and many have recommended several substantial

changes. DMC agrees with many of the recommended changes and believes that their adoption along with the adoption of DMC's own recommendations would improve the Commission's regulations and would be in the public interest.

Highlighted below are the areas where major changes have been suggested which, in DMC's view, would result in substantial improvements in the Commission's rules.

II. The Technical Regulations Should be Strengthened and Should be Further Consolidated

TIA and NSMA in their Joint Comments have recommended further consolidation and strengthening of the technical rules, including equipment standards, antenna requirements, frequency coordination, and the interference criteria, as well as the frequency tables, into a single Subpart, Subpart C. DMC fully agrees with the recommendations of TIA and NSMA in this regard and urges the Commission to adopt them. Adoption of those recommendations will improve the new regulations and would be in the public interest.

III. The Application Requirements and Licensing Procedures Should be Further Consolidated and Should be More Streamlined

Virtually all those who addressed the matter urged the Commission, as did DMC, to eliminate the application requirements for common carrier applicants described in Paragraphs 11 and 12 of the Commission's Notice. With the elimination of those application requirements, there would remain few, if any, significant differences in the information used to determine whether to grant applications for private or for common carrier systems. Therefore, there would be no reason to have more than one basic application forms. The need for information applicable in one

service but not in the other (e.g. information needed to establish the eligibility of a private microwave system applicant, or whether a common carrier applicant complies with statutory citizenship and foreign ownership limitations) can be addressed simply by including appropriate, specifically targeted questions. This method is now used in FCC Form 494. In sum, DMC joins the overwhelming majority of the comments, including the Joint Comments of TIA and NSMA, and the comments of several microwave licensees, in urging the Commission to adopt a single application form for Part 101 as well as uniform application processing procedures. DMC also joins several private microwave licensees, such as the Southern Company, in further urging the Commission to rely more than it has on the current Part 94 application processing procedures than on the licensing procedures in Part 21 in crafting licensing procedures for new Part 101. The Part 94 licensing procedures are simpler and more streamlined than the current Part 21 procedures and would facilitate the processing of both private and common carrier applications.

IV. Blanket Special Temporary Authorizations Should be Provided for in Part 101 and Should be Available to Private as Well as to Common Carrier Applicants

DMC urges the Commission to incorporate into Part 101 the proposal of BellSouth Corporation for blanket special temporary authorizations (BSTA). This proposal received overwhelming support in the comments. BSTAs have been made available by the Commission recently in the common carrier services and, as DMC understands, they have been well received. DMC suggests that the Commission add rules to Part 101 providing for BSTAs, not as a substitute but in addition to the

temporary and special temporary authorizations now provided for in the Commission's Rules. Additionally, BSTAs should be available to private as well as to common carrier applicants. This authorization tool would add needed flexibility to the authorization process and would act as a pressure relief valve in that BSTAs would permit the construction and operation of facilities without the delays inherent in processing the applications for regular licenses. In sum, adoption of the BSTA proposal would improve substantially the Commission's licensing process and would be in the public interest.

Respectfully submitted,

DIGITAL MICROWAVE CORPORATION

By: 
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March 17, 1995¹

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¹By Order adopted by the Chief, Wireless Telecommunications Bureau on January 31, 1995, the comment and reply dates were changed to February 17, 1995 and to March 17, 1995, respectively.